

AGENDA

Planning Commission Meeting Monday March 22, 2021 7:00 pm Gardner City Hall 120 E. Main Street

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

All matters listed within the Consent Agenda have been distributed to each member of the Planning Commission for study. These items are considered to be routine and will be enacted upon by one motion with no separate discussion. If separate discussion is desired on an item, from either the Planning Commission or from the floor, that item may be removed from the Consent Agenda and placed on the Regular Agenda.

1. Standing approval of the minutes as written for the meeting on February 22, 2021.

REGULAR AGENDA

- 1. Conduct public hearing for and consider multiple applications related to Aspen Creek development
 - a. **Z-21-01:** Consider rezoning R2 to RP4 within Meadows of Aspen Creek II
 - b. **PDP-21-01:** Consider preliminary development plan for duplexes within Meadows of Aspen Creek II
 - c. PP-21-02: Consider preliminary plat for 33 lots within Meadows of Aspen Creek II
 - d. Z-20-09: Consider rezoning R2 to R1 property within Aspen Creek V
 - e. PP-20-12: Consider preliminary plat for 56 lots within Aspen Creek V

DISCUSSION ITEMS

<u>ADJOURNMENT</u>



PLANNING COMMISSION STAFF REPORT

MEETING DATE: MARCH 22, 2021

PREPARED BY: ROBERT CASE, PRINCIPAL PLANNER

PROJECT NUMBER / TITLE: Z-21-01 Rezoning, PDP-21-01 Preliminary Development Plan and for Meadows of Aspen Creek II

REGULAR AGENDA ITEM No. 1A & 1B

PROCESS INFORMATION

Type of Request: Zoning Map Amendment, Preliminary Development Plan and Preliminary Plat

Date Received: February 1, 2021

APPLICATION INFORMATION

Applicant: Phelps Engineering, Inc. (Judd D. Claussen, P.E.)

Owner: Aspen Creek, LLC (Gregory D. Prieb II)

Parcel ID: CF221422-4007

Location: North of W 174th Street along the east side of Kill Creek Rd.

REQUESTED ACTION

Hold a public hearing on and consider a request to rezone 14 acres from R-2 (Two-Family Residential) to RP-4 (Mixed-Density Neighborhood) District; and consider approval of the associated Preliminary Development Plan containing 66 dwelling units on 33 lots.

EXISTING ZONING AND LAND USE

The site is currently zoned R-2 (Two-Family Residential) District, and is undeveloped land in agricultural use.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)		
North of subject property			
R-1 (Single-Family Residential) District	Vacant land / Proposed single-family homes in future Aspen Creek subdivision		
East of subject property			
C-3 (Commercial) District	Vacant land		
South of subject property			
C-3 (Commercial) District	Vacant Land		
West of subject property			
R-2 (Two-family) District	Meadows of Aspen Creek duplex development		





EXISTING CONDITIONS

The property is currently not platted and is unimproved. The development will be accessed from existing collector streets 186th Street and Canton Street. All utilities are available to the subject parcel.

BACKGROUND / HISTORY

The property was part of a 158 acre annexation presented to the Council on April 1, 1996 per Ordinance 1834 and rezoned to R-1 (Single-family) District (Z-96-02l) on June 17, 1996. The property was then rezoned (Z-01-08) (Ord. 1993) from R-1 (Single-family) District to R-2 (Planned Urban Development) District on June 18, 2001. There were no associated plans submitted with these rezoning petitions.

DEVELOPMENT PLAN HIGHLIGHTS

The development plan includes 33 lots totaling 7.97 acres, 2.18 acres of right-of-way, and 7.43 acres of open space for a total of 17.59 acres. There are a total of 66 dwelling units designed for the Compact Duplex building type. The street type is Local—Standard and Local—Collector, and the Open and Civic Space type is Park/Trail with a walking trail, Frisbee golf stations and hammock station. The proposed frontage type is Suburban Yard.

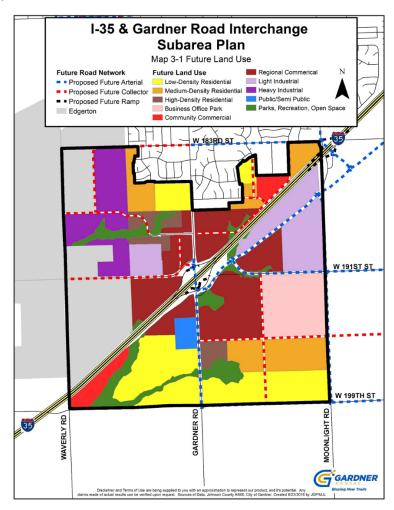
CONSISTENCY WITH COMPREHENSIVE PLAN

This site is included in the *I-35* & Gardner Road Interchange Subarea Plan ("Subarea Plan"), which was adopted by reference as part of the City of Gardner 2014 Comprehensive Plan by the Governing Body on June 20, 2016 (Ordinance No. 2517) to set specific goals and policies relating to development in portions of the City of Gardner, and areas within Gardner Township considered for future annexation.

The purpose of a subarea plan and the *I-35 & Gardner Road Interchange Subarea Plan* is to outline specific land development goals, policies and recommendations for the planning area, while being consistent with the overall adopted comprehensive plan for the community. The plan is meant to facilitate logical future development while maintaining preferred community character. The following information merges technical analysis with public input and anticipation of market factors to guide future growth.

The subarea plan includes this property in the "Medium-Density" Land Use area, which is described as:

"The intent of the medium-density residential use is to allow for mainly single-family and duplex residential options. The medium-density residential use is intended to take the form of small lot, detached or attached, cluster type housing, or small scale multi-dwelling structures, such as two-story, 4-6-plexes, rather than large-scale apartment type development with an emphasis on walkability."



The proposed zoning district is consistent with the Medium Density Residential future land use description, this planned development meets other Comprehensive Plan goals, and is supported by data in other plans, as follows:

- 1. One of the core themes of the Comprehensive Plan is Housing Variety to support on-going investment in housing and attract new residents. The Housing Variety goal is intended to ensure that the housing stock responds to a variety of users, including young professionals, new families, empty-nesters and seniors in need of assistance. Providing a range of options allows support for all income levels to move toward home ownership. Specifically the housing objectives that are addressed by this development include:
 - encourage the development of housing and support services to allow seniors to age in place;
 - promote infill residential development within incomplete subdivisions;
- 2. This parcel is located in the New Growth Area of the Residential Areas Plan of the Comprehensive Plan, which is intended to provide the opportunity to:
 - ensure new development meets the requirements in the Gardner Land Development Code, providing flexibility where necessary to accommodate a variety of housing types and intensities;
 - work closely with residential developers to encourage local development patterns that
 provide a variety of housing types and allow aging residents to "downsize" and stay in
 the neighborhood or subdivision.
- 3. The *Gardner Main Street Corridor Plan Market Analysis* includes the following information that shows how the proposed development can assist in meeting identified needs:
 - Much of Gardner's growth since 2000 has been driven by young families looking for more affordable housing options.
 - Since the Great Recession of 2008, a higher percentage of households and families are renting rather than purchasing their homes. From 2010 to 2015, the number of owner-occupied housing units dropped from a high of 72 percent to 64 percent and, as a corollary, the number of renter-occupied units increased from 21 percent to 30 percent.
 - Demand for renter-occupied housing has overwhelmingly been driven by households with an income range between \$35,000 and \$50,000. This housing demand could continue into the foreseeable future as this income range corresponds with estimates of the income earning potential of workers at LPKC and the New Century AirCenter. Moreover, households with this income range are largely priced-out of the homeownership market in Gardner.
 - Low Income Housing Tax Credits (LIHTC) financing is one promising potential source
 of gap financing for housing. Importantly, the income ranges of households showing
 the highest demand for renter-occupied housing fall between 50 percent and 80
 percent of the U.S. Housing and Urban Development (HUD) defined area median
 income, and thus, these households would qualify for the program.
 - At a rent level of \$1,150 per month, a household would need to earn approximately \$3,800 per month or \$45,600 a year in order to only pay 30 percent of their income in housing costs — a number that most housing advocates generally consider as affordable for most households.

STAFF ANALYSIS – ZONING MAP AMENDMENT

This section highlights contents of the application which may merit particular consideration in regard to zoning intent and standards. A full analysis of applicable zoning regulations is available upon request.

This application is for a planned zoning district, and applicable applications include a rezoning with associated preliminary development plan. A preliminary plat has also been submitted. The planned development process is intended for development concepts that require a higher degree of specific planning based on the complexity of the project, the relationship of the site to the context, and the ability to meet or exceed the purpose, intent and objectives of this Code through more flexible application of the standards. A planned development application is a type of zoning map amendment, and must meet all of the procedures and requirements of that process, but it also accommodates specific planned development. Following are the review criteria for the rezoning application and also the preliminary development plan.

17.03.030 (B) Review Criteria:

1. The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; and the operation and uses of land and buildings;

Staff Comment: The Aspen Creek neighborhood is currently a mix of single-family and duplex uses in a traditional suburban pattern. This development follows the typical traditional suburban pattern with a street network connects existing residential areas to the east and north. The proposed duplex buildings have a comparable building footprint with the existing duplexes to the west and will provide a level II landscape buffer with the proposed single-family to the north. This development supports infill residential uses. The development also preserves the continuation of the neighborhood sidewalk network.

2. The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts;

Staff Comment: The development proposes to utilize a compatible zoning district to that of the property directly adjacent and west of this site and the buildings are of similar size and scale as the duplexes to the west.

3. The suitability of the subject property for the uses to which it has been restricted;

Staff Comment: The property is suited for the uses to which it has been restricted.

4. The extent to which removal of the restrictions will detrimentally affect nearby property;

Staff Comment: The change in zoning from R-2 to RP-4 has minimal impact, especially considering information as previously presented.

5. The length of time the subject property has remained vacant as zoned;

Staff Comment: The property has remained vacant even though it was rezoned for a duplex development 19 years ago (2001).

6. The relative gain to economic development, public health, safety and welfare by the current restrictions on the applicant's property as compared to the hardship imposed by such restrictions upon the property;

GARDNER PLANNING COMMISSION Z-21-01 (PDP-21-01) Meadows at Aspen Creek II March 22, 2021 Page 6

Staff Comment: This property has long remained undeveloped, and this developer is attempting to bring additional workforce housing to the City of Gardner. This kind of housing is in demand and consistent with housing needs for people working in nearby job centers.

7. The recommendations of professional staff;

Staff Comment: See recommendation at the end of this report.

8. The conformance of the requested change to the Comprehensive Plan, and in particular the relationship of the intent statement for the proposed district and how the specific application furthers that intent statement in relation to the Comprehensive Plan;

Staff Comment: The proposed change is consistent with the future land use map designation per the applicable sub-area plan and the proposal supports various housing goals and policies of the Comprehensive Plan, and addresses conditions as presented in the Market Analysis, as stated previously. The intent statement of the R-4 Mixed Density Neighborhood District is to provide a wide range of residential housing types in a compact, walkable neighborhood setting in close proximity to walkable destinations, and where a well-designed public realm integrates a variety of building types through a consistent neighborhood character.

9. The extent to which the proposed use would adversely affect the capacity or safety of any utilities, infrastructure or public services serving the vicinity; and

Staff Comment: The proposed development will provide the necessary utilities and road infrastructure to serve the development. The proposed development provides for a walkable environment via the continuation of the existing neighborhood's sidewalk network connecting to the Gardner Road Trail. Staff finds this criteria is met provided that the stormwater management plan and traffic study are approved. This will be condition of approval.

10. Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City.

Staff Comment: Population trends indicate smaller household and family size and a demand for rental properties and the planned housing type and ownership structure appears to be in line with these trends. It is anticipated that this development will provide an additional housing option and improve the ability of residents to live close to the many jobs that are being created in areas in and around Gardner.

STAFF ANALYSIS – PRELIMINARY DEVELOPMENT PLAN

This application is for a planned zoning district. Departures from the standards associated with all zoning districts may be considered through planned zoning, and approved provided they are based upon a comprehensive and well-integrated development plan for the area. The development standards for planned zoning shall be those of the most comparable base zoning district (R-4 in this case), except as specifically modified and noted on a development plan accompanying a planned zoning proposal. Departures from standards may specifically propose standards that differ from this Code (such as performance standards, building types, frontage types, site design and landscape, parking quantity and design). Following the review criteria, the proposed deviations are presented, including applicant and staff comment, for Planning Commission consideration.

17.03.040 (C) Review Criteria:

 The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the goals of the Comprehensive Plan, and based upon generally accepted planning and design practice.

Staff Comment: As with all in-fill type or phased development over an extended period of time the challenge is to blend the proposed development into the established networks and patterns of adjacent development. The applicant was encouraged to utilize the Suburban Frontage type with sidewalks on both sides of the street in order to be consistent with the existing duplex development directly to the west and to maintain of the neighborhood. A deviation from the typical frontage standard has been requested by the applicant.

2. The benefits from any flexibility in the standards proposed in the plan promote the general public health, safety and welfare of the community, and in particular of the areas immediately near or within the proposed project, and are not strictly to benefit the applicant.

Staff Comment: The applicant has provided internal pedestrian connections, open space area, and connections to the public realm that encourage an outdoor activity. Additionally, a public benefit is gained by supplying diverse housing options to individuals of various income and age levels within the City. Increasing the supply of housing options supports the long-term security, health, safety and welfare of the community.

3. The benefits from any flexibility in the standards proposed in the plan allow the project to better meet or exceed the intent statements of the base zoning district(s) and the standards proposed to be modified when applied to the specific project or site.

Staff Comment: The flexibility in the standards proposed in the plan allow the project to meet or exceed the intent statements of the base zoning districts and the standards proposed to be modified further the quality of the development by supporting the residential development variety for the City through the proposed building types, open space, and pedestrian network connecting to the public realm, encouraged as part of a planned district.

4. The plan reflects generally accepted and sound planning and urban design principles with respect to applying the Comprehensive Plan and any specific plans to the area;

Staff Comment: The proposed plan reflects generally accepted and sound planning and urban design principles with respect to application of the Comprehensive Plan and other specific plans to the area, which incorporate various housing styles along with open space, active areas, and pedestrian connections to promote a healthy community.

5. The plan meets all of the review criteria for a zoning map amendment.

Staff Comment: As previously presented, staff finds this criteria has been met.

DEVIATION REQUESTS

General Deviation Requests

1. Chapter 17.04 SUBDIVISION STANDARDS, Section 17.04.010 Street Networks and Street Design, Table 4-2: Street Design Types and Functional Classifications

Standard: 5' sidewalk on one side

Proposed: 4' sidewalk on both sides

Applicant Comment: 186th Street through the proposed development is a continuation of existing 186th Street from the portions of Aspen Creek previously developed. The sidewalks along 186th Street in the existing development are 4 feet wide. The applicant is requesting that the proposed sidewalks along 186th Street be continued at 4 feet wide along 186th Street only to be consistent with the remainder of 186th Street within the existing Aspen Creek development. A four foot wide sidewalk meets ADA requirements.

Staff Comment: Staff agrees with applicant's statement and is supportive of this deviation request.

2. Chapter 17.07 BUILDING STANDARDS, Section 17.07.040 Specific Building Type Standards: Duplex-Compact

Standard: Frontage Type – Neighborhood Yard; Terrace (limited); Courtyard (limited)

Proposed: Suburban Yard Frontage Type

Applicant Comment: This phase of Meadows of Aspen Creek II is the last phase of the development. The existing development was built to standards consistent with Suburban Yard frontage types. The applicant is requesting that the proposed frontage types be allowed with Suburban Yard frontages to be consistent with the remainder of the development.

Staff Comment: Staff agrees with applicant's statement and is supportive of this deviation request.

3. Chapter 17.07 BUILDING STANDARDS, Section 17.07.050 Frontage Design: Suburban Yard

Standard: Access Width Limits; 30%: 24' max. per access point, applicable to the area within the right-of-way

Proposed: 87% of frontage in driveway width.

Applicant Comment: The duplexes in the development each have a double car garage and driveway to allow for off street parking. The double car garage requires a wider driveway than a single car garage, thus more width per lot frontage is needed for the driveway. A double car garage is more valuable to the residents and provides for a higher value residential project than a duplex with single car garages. To reduce the driveway width would result in a loss of off-street parking, and reduction from a double car garage to a single, both of which are not desirable to the developer, the residents or the community as a whole. These driveways are also consistent with the existing development and the widths that have currently been built. However, the driveways proposed with the new development will add in a greenspace between the driveways to allow for landscaping and breakup the driveway width in the middle of the houses, which will be more aesthetic in appearance from the street.

Staff Comment: The deviation request is consistent with the development pattern of the duplex development adjacent to this proposed site. At the time the adjacent subdivision was developed, there wasn't an access width limit for duplexes. In keeping with the theme of continuous neighborhood development, it would stand that this is a reasonable request. Increasing the access also helps keep parked vehicles off the streets. The Staff supports this request.

4. Chapter 17.07 BUILDING DESIGN STANDARDS, Section 17.07.050 Frontage Design: Suburban Yard

Standard: Design and Performance Standards; Allocation of Space shall be: 0%-40% hardscape, with the remainder either landscape or turf.

Proposed: 75%

Applicant Comment: The duplexes in the development each have a double car garage and driveway to allow for off street parking. The double car garage requires a wider driveway than a single car garage, thus more width per lot frontage is needed for the driveway. A double car garage is more valuable to the residents and provides for a higher value residential project than a duplex with single car garages. To reduce the driveway width would result in a loss of off-street parking, and reduction from a double car garage to a single, both of which are not desirable to the developer, the residents or the community as a whole. These driveways are also consistent with the existing development and the widths that have currently been built. However, the driveways proposed with the new development will add in a greenspace between the driveways to allow for landscaping and breakup the driveway width in the middle of the houses, which will be more aesthetic in appearance from the street.

Staff Comment: The intent of the standard is to create a human-scale relationship of buildings to the street, provide opportunities for subtle variations in design on the streetscape, and help create compatible relationships between buildings of different size. Staff acknowledges the difficulty in developing a duplex development that provides a 2-car garage. Staff also acknowledges the difficult task of meeting the intent of the code while also trying to design a cohesive development with that of the adjacent subdivision, especially when the development includes a cul-de-sac. Staff supports this deviation request, but would like to see some design embellishment on the housing units, such as but not limited to windowed garage doors, enhanced landscape or other front façade designs elements. The Staff will work with the developer on these design details for incorporation and consideration with the final development plan application.

STAFF ANALYSIS – INFRASTRUCTURE / OTHER VEHICULAR AND PEDESTRIAN ACCESS

Roadway network – The applicant is planning to extend 186th Street and Canton Street that will eventually extend to 183rd, 184th Terrace and 185th Street to the north when the next single family phase of this subdivision is approved and developed. Several traffic calming measures have been implemented in the design of the street network. An island will help to decrease speeds along 186th Street and provide a safe crossing for pedestrians visiting the open space. Another island within the cul-de-sac will help to break up the large amount of asphalt within this street. The traffic study is still under review and will be a condition of approval.

Sidewalks and Trail – Sidewalks are provided on both sides of all roads within this subdivision. Again the extension of sidewalks will help to connect the proposed development to the existing

GARDNER PLANNING COMMISSION Z-21-01 (PDP-21-01) Meadows at Aspen Creek II March 22, 2021 Page 10

neighborhood to the north and west and to the Gardner Road trail. A walking trail is also proposed within the open space area.

UTILITIES

All utilities are available to this site. The building code requires that the final utility connections allow for individual service lines to each dwelling unit, based on the "assumed" common property line between attached units.

ATTACHMENTS

- I. Zoning Exhibit
- II. Preliminary Development Plan PDP-21-01
- III. Zoning and Notice Map

ACTIONS

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

- 1. Recommend approval of the application.
- 2. Recommend approval of the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
- 3. Recommend denial of the application.
- 4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

EFFECT OF DECISION

Zoning Map Amendment (Rezoning) – Amendments to the official zoning map (rezoning) shall be approved by the Governing Body in the form of an ordinance. Approved changes shall be indicated on the official zoning map by the Director within 30 days following such action.

Preliminary Development Plan – Approval of a preliminary development plan shall constitute acceptance of the overall planning concepts and development parameters. In reviewing and approving a preliminary development plan, the Planning Commission may recommend or the Governing Body may require conditions that must be met before an applicant submits a final development plan. An approved preliminary development plan shall lapse and be of no further force and effect if a final development plan (or a final development plan for a designated phase of the preliminary development plan) has not been approved within two years of the date of approval of the preliminary development plan.

RECOMMENDATION

Staff recommends approval of the rezoning and associated preliminary development plan with the conditions outlined below.

Recommended Motion:

After review of applications Z-21-01, a rezoning of 15.59 acres located at the terminus of 186th Street approximately 2000' east of Gardner Road, parcel ID CF221436-1005, from R-2 (Two-Family Residential) District to RP-4 (Planned Mixed-Density Neighborhood) District, and preliminary development plan PDP-21-01 for Meadows of Aspen Creek II dated February 1, 2021, and staff report dated March 22, 2021, the Planning Commission recommends the Governing Body approve the applications subject to the following conditions:

GARDNER PLANNING COMMISSION Z-21-01 (PDP-21-01) Meadows at Aspen Creek II March 22, 2021 Page 11

- 1. The stormwater plan and traffic study shall be approved prior to approval of any final development plan/final plat.
- 2. Revised building elevations and enhanced landscape plans, per staff comments related to the deviation requests, will be submitted with the final development plan/final plat for review and approval.
- 3. The proposed trail within the identified open space shall be a minimum of 8 feet wide.
- 4. Provide a level II landscape buffer between this site and the proposed single-family development to the north.



ZONING MAP AMENDMENT (REZONING APPLICATION

OWNER INFORMATION		3 (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990) (1990)
Name(s) Aspen Creek, LLC		
Contact Gregory D. Prieb II		
Address PO Box 4557		
CityOlathe	_ StateKS	Zip_66063
Phone _ 913.780.3399	_ Email <u>greg@priebho</u>	omes.com
APPLICANT/AGENT INFORMATION		
Name(s) Phelps Engineering, Inc.		
Out to Ludd D. Clausson D.E.		
Address 1270 N Winchester		
CityOlathe	State KS	Zip_66061
Phone 913-393-1155		
SITE INFORMATION Property Address/Location: 186th & Canton Str Legal Description (Attach If Necessary) Lengthy, s		d)
Total Site Area17.59 acres m/l		
Present Zoning P	roposed Zoning RP-2	1
Present Land Useagricultural P	roposed Land Use <u>Mul</u>	ti family residential
Proposed Building Type(s) Duplex,	Compact	
Please indicate a reason for the request: Rezoning needed to allow for duplexes with crit	eria that can't be met w	ithin R-2 district.
SIGNATURE I/We, the undersigned am/are the (owner(s)), (duly au property. By execution of my/our signature, I/we do here		
Signature(s):		Date2/1/2021
		Date



OWNER AFFIDAVIT

I/WE_	Aspen Creek, LLC - Gregory D. Prieb II, managing member, hereby referred to as
the "U	ndersigned", being of lawful age, do hereby on this $1st$ day of $February$, 2021 , make the following
staten	nents to wit:
1.	I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property: See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.
2.	I/We the undersigned, have previously authorized and hereby authorize Judd D. Claussen, P.E., Phelps Engineering, Inc. or his assigns (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding Aspen Creek (rezoning, prelim & final plat, and other apps) (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.
3.	It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation of partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.
	IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.
	Owner Owner STATE OF VOICES
	COUNTY OF COUNTY
	The foregoing instrument was acknowledged before me on this 15th day of February 2021, by Gregory Prieb II.
	My Commission Expires: NOTARY PUBLIC-State of Kansas SHELIA EWING My Appt. Exp. 5 - 16 - 27





PRELIMINARY DEVELOPMENT PLAN APPLICATION

OWNER INFORMATION	T)	
Name(s) Aspen Creek, LLC		
Contact Greg Prieb		
Address PO Box 4557		
City Olathe	State KS	Zip <u>66063</u>
Phone 913-780-3399	Email greg@priebhom	es.com
APPLICANT/AGENT INFORMATION		
Name(s) Phelps Engineering, Inc.		
Contact Judd D. Claussen, P.E.		
Address 1270 N. Winchester		
City Olathe	State KS	Zip_66061
Phone 913-393-1155	Email jclaussen@phelp	osengineering.com
SITE INFORMATION		
Property Address/Location 186th and Canton Street (East of	Gardner Road)	
Legal Description (Attach If Necessary) Lengthy, see attach	ched	
Number of Existing LotsNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumberNumber	mber of Proposed Lots	s <u>33</u>
Total Site Area 17.59 Acres Pre		
Present Land Use Agriculture Pro	posed Use(s) Duplexes	3
Proposed Street Design Type(s) & Class local standard	and collector standard	
Proposed Type(s) Open & Civic Space Park within 1/2 mi	ile of site	
Proposed Frontage Type(s) Suburban Yard		
Proposed Building Types(s) Duplex - Compact		
SIGNATURE I/We, the undersigned am/are the (owner(s)), (duly aution property. By execution of my/our signature, I/we do here as indicated above.	horized agent), (Circ by officially apply for a	a preliminary development plan
Signature(s):		Date <u>2/1/2021</u>
		Date



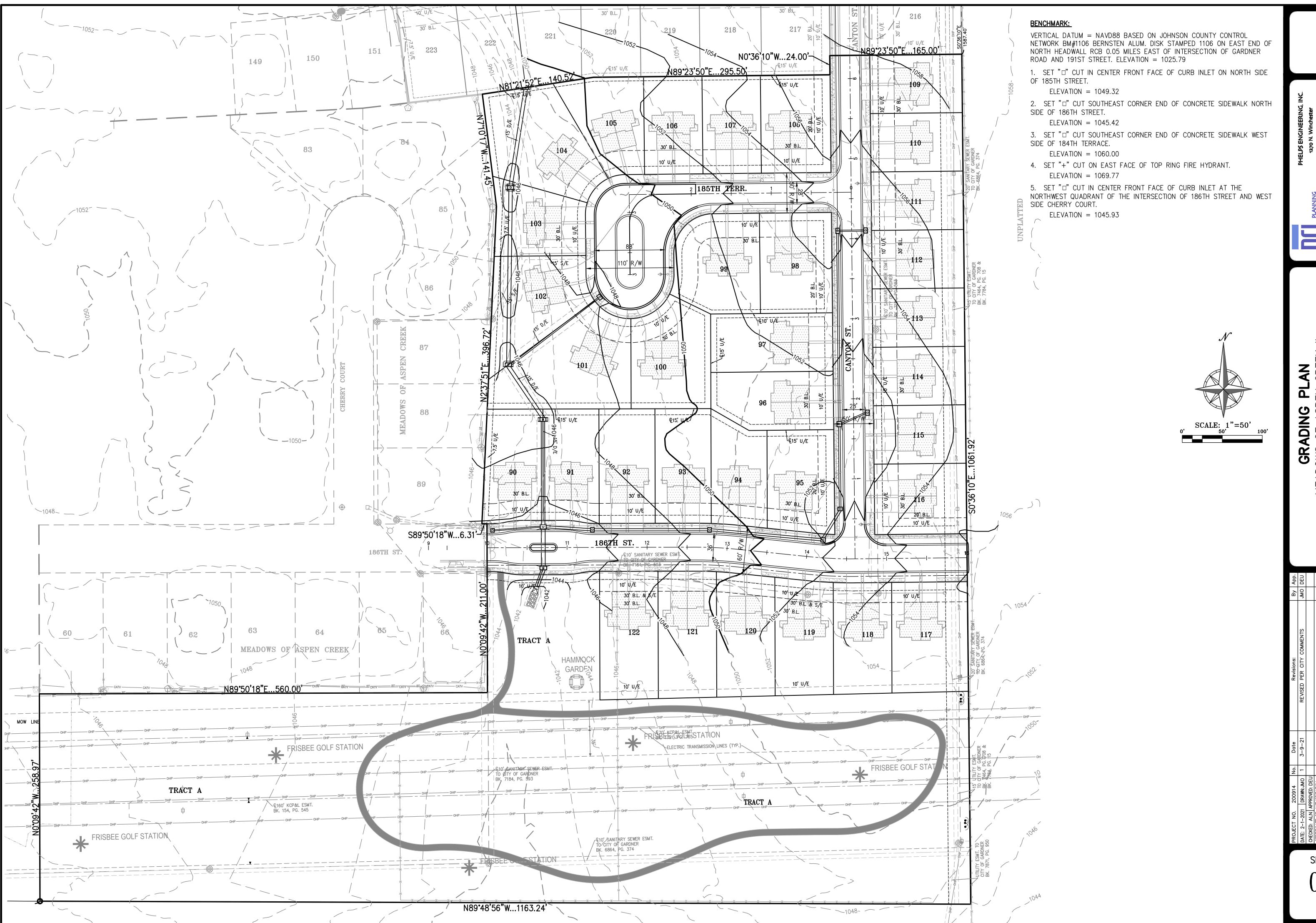
OWNER AFFIDAVIT

IWE_	Aspen Creek, LLC - Gregory D. Prieb II, managing member, hereby referred to as		
the "U	ndersigned", being of lawful age, do hereby on this <u>1st</u> day of February, 2021, make the following		
staten	nents to wit:		
1.	I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:		
	See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.		
2.	I/We the undersigned, have previously authorized and hereby authorize Judd D. Claussen, P.E., Phelps Engineering, Inc. or his assigns (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding Aspen Creek (rezoning, prelim & final plat, and other apps) (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.		
3.	3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation of partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.		
	IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.		
	Owner		
	COUNTY OF WASON		
	40.		
	The foregoing instrument was acknowledged before me on this 15th day of February 2024, by Gregory Prieb II.		
	My Commission Expires: NOTARY PUBLIC-State of Kansas SHELIA EWING My Appt. Exp. 5 - 16 - 21		

Description

All that part of the Northwest Quarter of Section 36, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 36; thence N 89°48'56" W. along the South line of the Northwest Quarter of said Section 36, a distance of 1163.24 feet; thence N 0°09'42" W, a distance of 258.97 feet to the Southeast plat corner of ASPEN CREEK and the Southwest plat corner of MEADOWS OF ASPEN CREEK, both being platted subdivisions of land in the City of Gardner, Johnson County, Kansas; thence N 89°50'18" E, along the South plat line of said MEADOWS OF ASPEN CREEK, a distance of 560.00 feet to the Southeast plat corner of said MEADOWS OF ASPEN CREEK; thence along the Easterly plat line of said MEADOWS OF ASPEN CREEK, for the following four (4) courses; thence N 0°09'42" W, a distance of 211.00 feet to a point on the North right-ofway line of 186th Street, as now established; thence S 89°50'18" W, along the North right-of-way line of said 186th Street, a distance of 6.31 feet; thence N 2°37'51" E, a distance of 396,72 feet; thence N 7°10'17" W, a distance of 141.45 feet to the Northeast plat corner of said MEADOWS OF ASPEN CREEK, said point also being on the South plat line of ASPEN CREEK V, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence along the South plat line of said ASPEN CREEK V. for the following four (4) courses; thence N 81°21'52" E, a distance of 140.52 feet; thence N 89°23'50" E, a distance of 295.50 feet; thence N 0°36'10" W, a distance of 24.00 feet; thence N 89°23'50" E, a distance of 165.00 feet to the Southeast plat corner of said ASPEN CREEK V, said point also being on the East line of the Northwest Quarter of said Section 36; thence S 0°36'10" E, along the East line of said Section 36, a distance of 1061.92 feet to the point of beginning, containing 17,5889 acres, more or less. of unplatted land.



1270 N. Winchester
1270 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166

NEERING OK

PLANNIN

ADOWS OF ASPEN CREEK GARDNER, KANSAS

Date Revisions:

3-9-21 REVISED PER CITY COMMENTS JN

CERTIFICATE OF AUTHORIZATION
KANSAS
LAND SURVEYING — LS—82
ENGINEERING — E—391
CERTIFICATE OF AUTHORIZATION
MISSOURI
LAND SURVEYING—2007001128
ENGINEERING—2007005058

02

PLANNING COMMISSION STAFF REPORT

AGENDA ITEM No. 1C

MEETING DATE: MARCH 22, 2021

PREPARED BY: ROBERT CASE, PRINCIPAL PLANNER

PROJECT NUMBER / TITLE: PP-21-01 / Meadows of Aspen Creek II

PROCESS INFORMATION

Type of Request: Preliminary Plat **Date Received:** February 1, 2021

APPLICATION INFORMATION

Applicant: Judd Claussen, P.E. with Phelps Engineering Inc.

Owner: Aspen Creek, LLC Parcel ID: CF221436-1005

Location: At the terminus of 186th Street approximately 2000' east of Gardner Road.

REQUESTED ACTION

A Preliminary Plat for the Meadows of Aspen Creek II subdivision, located at the terminus of 186th Street approximately 2000' east of Gardner Road, consisting of a compact-duplex residential building type 17.59 acres and 33 lots / 66 dwelling units.

EXISTING ZONING AND LAND USE

The property is zoned RP-4 (Mixed Density Neighborhood) District and is currently undeveloped.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)		
North of subject property			
R-1 (Single-Family Residential) District	Vacant land / Proposed single-family homes in future Aspen Creek subdivision		
East of subject property			
C-3 (Commercial) District	Vacant land		
South of subject property			
C-3 (Commercial) District	Vacant land		
West of subject property			
R-2 (Two-family) District	Meadows of Aspen Creek duplex development		





EXISTING CONDITIONS

The property is currently not platted and is unimproved. The development will be accessed from existing collector streets 186th Street and Canton Street. All utilities are available to the subject parcel.



BACKGROUND / HISTORY

The property was part of a 158 acre annexation presented to the Council on April 1, 1996 per Ordinance 1834 and rezoned to R-1 (Single-family) District (Z-96-02l) on June 17, 1996. The property was then rezoned (Z-01-08) (Ord. 1993) from R-1 (Single-family) District to R-2 (Planned Urban Development) District on June 18, 2001. There were no associated plans submitted with these rezoning petitions.

CONSISTENCY WITH COMPREHENSIVE PLAN

The City of Gardner Comprehensive Plan identifies this parcel for medium-density residential per the applicable sub-area plan, which is intended to take the form of small lot, detached or attached, cluster type housing, or small scale multi-family structures, such as two-story, 4-6 plexes, rather than large-scale apartment type developments with an emphasis on walkability. In this case, the proposed two-family building types are proposed as an extension of the existing two-family development directly west of this site. Additionally, the Comprehensive Plan has identified this



area for "New Residential Growth" in the Residential Area Plan under the Housing section, which is undeveloped land that provides a clean slate for future residential development to contribute to and enforce the City's existing character and identity. One goal of New Residential Growth is to ensure a new development meets the requirements of the *Gardner Land Development Code* and provide flexibility where necessary to accommodate a variety of housing types and intensities.

STAFF ANALYSIS - PRELIMINARY PLAT 17.03.020(D)(1) Review Criteria:

- 1. The application is in accordance with the *Comprehensive Plan* and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.
 - **Staff Comment:** The application is in accordance with the 2014 Comprehensive Plan in respect to patterns, arrangement of streets, blocks, lots, and open spaces, and public realm investment that reflect the principles of the plan.
 - The applicant is proposing 33 residential lots for a two-family residential development, for a total of 66 dwelling units. Building type proposed is the Duplex Compact. Included with the development are pedestrian paths, active open space and sidewalks. Street layout includes connecting with current street termination to 186th Street and providing a connection to future development north of the subject site.
- 2. Compliance with the requirements of this *Land Development Code*, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the existing or proposed zoning.
 - **Staff Comment:** The application complies with the requirement of the Gardner Land Development Code, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the applicable zoning.
- 3. Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.
 - **Staff Comment:** There is no phasing proposed for this application. However, the developer is proposing to develop the property to the north of this site as a single-family extension and finish the Aspen Creek development with a connection to 183rd Street to the north.
 - As each phase is ready for final development, the Planning Commission will have an opportunity to review the plat to ensure compliance with the approved preliminary development plan, preliminary plat, and with the Gardner Land Development Code.
- 4. Any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
 - **Staff Comment:** Staff finds this criteria has been met.
- 5. The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the *Comprehensive Plan*.
 - **Staff Comment:** The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan. As mentioned above this development is a part of completing the Aspen Creek residential development that has not had any new construction within the past 5 years, and it is staff's



opinion this application will continue to inject activity into this area by connecting street networks and providing pedestrian activity.

6. The design does not impede the construction of anticipated or planned future public infrastructure within the area.

Staff Comment: The design of the project does not impede the construction of anticipated or planned future public infrastructure in the area. No projects are currently planned.

7. The recommendations of professional staff, or any other public entity asked to officially review the plat.

Staff Comment: Staff recommendation is provided below.

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

Standards not met will be addressed in conditions of approval at the end of this report.

ROADWAY NETWORK AND VEHICULAR ACCESS

Primary access to the site shall be via 186th Street, which is a Collector - Standard Street type. A portion of Canton Street will be constructed to provide access to vacant property to the north. A traffic calming island has been added to 186th Street, which also provides a safe access point for pedestrians to cross over to a proposed open space area.

UTILITIES

All utilities are available to this site and will be extended to the furthest extents of this development to help encourage future growth.

STORMWATER INFRASTRUCTURE

Stormwater detention will be integrated into the project. The Stormwater Management Plan has not yet been approved by the Public Works Department. This will be a condition of approval.

ATTACHMENTS

- I. Preliminary Plat
- II. Application

RECOMMENDATION

Staff recommends approval of the preliminary plat for the Meadows of Aspen Creek II with conditions outlined below in the recommended motion section.

Recommended Motion:

After review of case number PP-21-01, a preliminary plat for the Meadows of Aspen Creek II, Parcel ID CF221436-1005, located at the terminus of 186th Street approximately 2000' east of Gardner Road, a staff report dated March 22, 2021, and a preliminary plat dated February 1, 2021, the Planning Commission approves the application as proposed, provided the following condition is met:

1. Approval of a Stormwater Management Plan and Traffic Impact Study by the Public Works Department.



PRELIMINARY PLAT APPLICATION

Pre-App Date 1 - 1 - 2 | Fee 448.00 File No. PP 21-02

OWNER INFORMATION	a .		1110110.
Name(s) Aspen Creek, LLC			
Contact Gregory D. Prieb II			
Address PO Box 4557			
CityOlathe	State _	KS	Zip66063
Phone 913.780.3399	Email _	greg@priebh	omes.com
APPLICANT/AGENT INFORMATION			
Name(s) Phelps Engineering, Inc.			
ContactJudd D. Claussen, P.E.			
Address1270 N Winchester			
CityOlathe	State _	KS	Zip_66061
Phone 913-393-1155	Email _	jclaussen@ph	elpsengineering.com
SITE INFORMATION Property Address/Location186th & Ca	inton Street (Eas	st of Gardner R	d)
Legal Description (Attach If Necessary) Legal	engthy, see attac	ched.	
Number of Existing Lotsnone	Number of I	Proposed Lots _	33
Total Site Area17.59 acres m/l	Present Zor	ning R2	
Number of Existing Structures none	Present Lar	nd Use _agricu	ltural
Proposed Street Design Type(s) & Class	local standard a	and collector sta	andard
Proposed Type(s) Open & Civic Space	Park within 1/2	mile of site	
Proposed Frontage Type(s)Subur	ban Yard		
Proposed Building Types(s) Duple	x - Compact		
SIGNATURE I/We, the undersigned am/are the (owner(s)), (orning property. By execution of my/our signature, I/we of Signature(s):	duly authorized to hereby officially	apply for prelimi	One) of the aforementioned nary plat as indicated above. Date 2/1/2021



Written explanations for any items not checked or checked "No"	(attach additional sheets, if necessary):	
I hereby submit all information required for preliminary pl the required information may result in a postponement of	my request for review until all information has	
been submitted. By signing this application, I acknowledge that all public streets and public infrastructure within the plat shall conform to the applicable minimum design standards set forth in the		
Gardner Municipal Code and the Technical Specifications		
Caratier individual code and the recommon openinoations	•	
vaa Cluusa	2/1/2021	
Signature of Applicant	Date	



Business & Economic Development Planning Division 120 E. Main St. Gardner, KS 66030 P: 913.856.0913 | F: 913.856.4562

www.gardnerkansas.gov

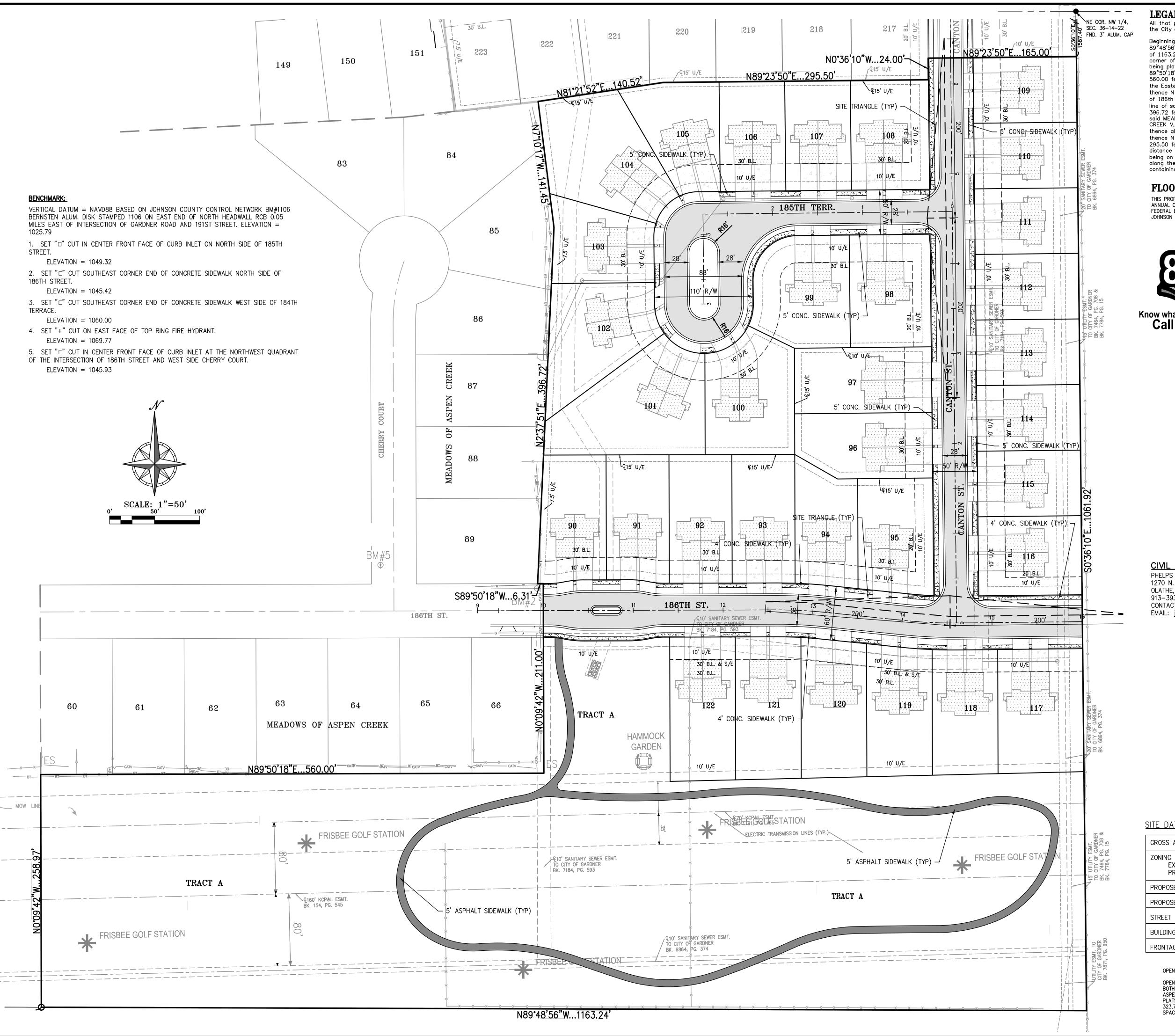
OWNER AFFIDAVIT

I/WE_	Aspen Creek, LLC - Gregory D. Prieb II, managing member, hereby referred to as
the "U	ndersigned", being of lawful age, do hereby on this <u>1st</u> day of February, 2021, make the following
staten	nents to wit:
1.	I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:
	See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.
2.	I/We the undersigned, have previously authorized and hereby authorize Judd D. Claussen, P.E., Phelps Engineering, Inc. or his assigns (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding Aspen Creek (rezoning, prelim & final plat, and other apps) (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.
3.	It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation of partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.
	IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.
	Owner STATE OF MUSAS
	The foregoing instrument was acknowledged before me on this 15th day of February 2021, by Svegory Prieb II.

Description

All that part of the Northwest Quarter of Section 36, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 36; thence N 89°48'56" W, along the South line of the Northwest Quarter of said Section 36, a distance of 1163.24 feet; thence N 0°09'42" W, a distance of 258.97 feet to the Southeast plat corner of ASPEN CREEK and the Southwest plat corner of MEADOWS OF ASPEN CREEK, both being platted subdivisions of land in the City of Gardner, Johnson County, Kansas; thence N 89°50'18" E, along the South plat line of said MEADOWS OF ASPEN CREEK, a distance of 560.00 feet to the Southeast plat corner of said MEADOWS OF ASPEN CREEK; thence along the Easterly plat line of said MEADOWS OF ASPEN CREEK, for the following four (4) courses: thence N 0°09'42" W, a distance of 211.00 feet to a point on the North right-ofway line of 186th Street, as now established; thence S 89°50'18" W, along the North right-of-way line of said 186th Street, a distance of 6.31 feet; thence N 2°37'51" E, a distance of 396.72 feet; thence N 7°10'17" W, a distance of 141.45 feet to the Northeast plat corner of said MEADOWS OF ASPEN CREEK, said point also being on the South plat line of ASPEN CREEK V, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence along the South plat line of said ASPEN CREEK V. for the following four (4) courses; thence N 81°21'52" E, a distance of 140.52 feet; thence N 89°23'50" E. a distance of 295.50 feet; thence N 0°36'10" W, a distance of 24.00 feet; thence N 89°23'50" E, a distance of 165.00 feet to the Southeast plat corner of said ASPEN CREEK V, said point also being on the East line of the Northwest Quarter of said Section 36; thence S 0°36'10" E, along the East line of said Section 36. a distance of 1061.92 feet to the point of beginning, containing 17.5889 acres, more or less, of unplatted land.



LEGAL DESCRIPTION:

All that part of the Northwest Quarter of Section 36, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 36; thence N 89°48'56" W, along the South line of the Northwest Quarter of said Section 36, a distance of 1163.24 feet; thence N 0°09'42" W, a distance of 258.97 feet to the Southeast plat corner of ASPEN CREEK and the Southwest plat corner of MEADOWS OF ASPEN CREEK, both being platted subdivisions of land in the City of Gardner, Johnson County, Kansas; thence N 89°50'18" E, along the South plat line of said MEADOWS OF ASPEN CREEK, a distance of 560.00 feet to the Southeast plat corner of said MEADOWS OF ASPEN CREEK; thence along the Easterly plat line of said MEADOWS OF ASPEN CREEK, for the following four (4) courses; thence N 0°09'42" W, a distance of 211.00 feet to a point on the North right-of-way line of 186th Street, as now established; thence S 89°50'18" W, along the North right-of-way line of said 186th Street, a distance of 6.31 feet; thence N 2°37'51" E, a distance of 396.72 feet; thence N 7°10'17" W, a distance of 141.45 feet to the Northeast plat corner of said MEADOWS OF ASPEN CREEK, said point also being on the South plat line of ASPEN CREEK V, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence along the South plat line of said ASPEN CREEK V, for the following four (4) courses; thence N 81°21'52" E, a distance of 140.52 feet; thence N 89°23'50" E, a distance of 295.50 feet; thence N 0°36'10" W, a distance of 24.00 feet; thence N 89°23'50" E, a distance of 165.00 feet to the Southeast plat corner of said ASPEN CREEK V, said point also being on the East line of the Northwest Quarter of said Section 36; thence S 0°36'10" E, along the East line of said Section 36, a distance of 1061.92 feet to the point of beginning, containing 17.5889 acres, more or less, of unplatted land.

FLOOD NOTE:

THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF GARDNER, COMMUNITY NO. 200164, JOHNSON COUNTY, KANSAS, MAP NO. 20091C0120G, AND DATED AUGUST 3, 2009.



VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN. UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.

Know what's below. Call before you dig.

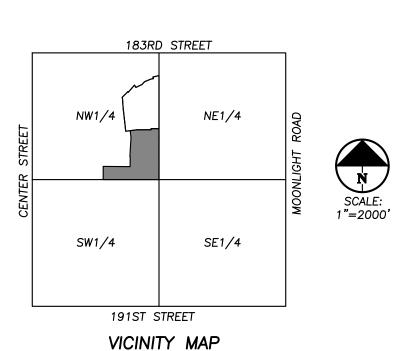
LEGEND

——PL——————————————————————————————————	PROPERTY LINE LOT LINE RIGHT-OF-WAY
B/L	2' CURB & GUTTER BUILDING SETBACK L
	ASPHALT PAVEMENT
	PROPOSED BUILDING
	CONCRETE PAVEMENT
	CONCRETE SIDEWALK

CIVIL ENGINEER: PHELPS ENGINEERING, INC. 1270 N. WINCHESTER OLATHE, KS 66061 913-393-1155 OFFICE CONTACT: JUDD CLAUSSEN, P.E. EMAIL: jclaussen@phelpsengineering.com

OWNER: (CONTRACT OWNER:)

ASPEN CREEK L.L.C. ATTN: GREG PRIEB II P.O. BOX 4557 OLATHE, KS 66063



CITE DATA

SILE DATA	
GROSS AREA	766,172 S.F. / 17.59 AC.
ZONING EXISTING PROPOSED	R-2 R-4
PROPOSED NUMBER OF LOTS	33
PROPOSED LAND USE	MULTI-FAMILY
STREET TYPE	LOCAL STANDARD & COLLECTOR STANDARD
BUILDING TYPE	DUPLEX-COMPACT
FRONTAGE TYPE	SUBURBAN YARD

SEC. 36-14-22

OPEN SPACE 323,710 S.F./42%

OPEN SPACE TRACT A TO PROVIDE OPEN SPACE REQUIREMENT FOR BOTH THIS PRELIMINARY PLAT AND THE PRELIMINARY PLAT FOR ASPEN CREEK EAST IMMEDIATELY TO THE NORTH. BOTH PRELIMINARY PLATS COMBINED TOTAL 1,463,049 SQUARE FEET. TRACT A PROVIDES 323,710 SQUARE FEET OPEN SPACE WHICH PROVIDES 22% OPEN SPACE FOR BOTH PRELIMINARY PLATS COMBINED.

NEW BUSINESS ITEM NO. 1D

PLANNING COMMISSION STAFF REPORT MEETING DATE: MARCH 22, 2021

PREPARED BY: ROBERT CASE, PRINCIPAL PLANNER

PROJECT NUMBER / TITLE: Z-20-09: Rezoning of a portion of Aspen Creek V from R-2 to R-1

PROCESS INFORMATION

Type of Request: Zoning Map Amendment (Rezoning)

Date Received: December 4, 2020

APPLICATION INFORMATION

Applicant: Phelps Engineering, Inc. (Judd Claussen, P.E.)

Owner: Aspen Creek, LLC (Gregory D. Prieb II)

Parcel ID: CF221436-1005

Location: West of Gardner Road approximately 450' from the terminus of 185th Street (a portion

of Tax ID CF221436-1005).

REQUESTED ACTION

The applicant is requesting the rezoning of .12 acres west of Gardner Road approximately 450' from the terminus of 185th Street from R-2 (Two-Family Residential) District to R-1 (Single-Family Residential) District to clear up the zoning for a lot within the Aspen Creek V a proposed single-family subdivision.

EXISTING ZONING AND LAND USE

The subject property is currently zoned R-2 (Two-Family Residential) District and is current vacant land.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)		
North of subject property			
R-1 (Single-Family Residential) District	Single-family homes in Aspen Creek subdivision		
East of subject property			
C-3 (Commercial) District	Vacant land		
South of subject property			
R-2 (Two-Family) District	Vacant land		
West of subject property			
R-1 (Single-Family Residential) District	Single-family residential in Aspen Creek subdivision		



EXISTING CONDITIONS

The property is currently not platted and is unimproved. The development will be accessed from the extensions of two collector streets 185th Street and Canton Street. All utilities are available to the subject parcel.

BACKGROUND / HISTORY

The property was part of a 158 acre annexation presented to the Council on April 1, 1996 per Ordinance 1834 and rezoned to R-1 (Single-family) District (Z-96-02l) on June 17, 1996. The property was then rezoned (Z-01-08) (Ord. 1993) from R-1 (Single-family) District to R-2 (Planned Urban Development) District on June 18, 2001. There were no associated plans submitted with these rezoning petitions.

CONSISTENCY WITH COMPREHENSIVE PLAN

This site is included in the *I-35* & Gardner Road Interchange Subarea Plan ("Subarea Plan"), which was adopted by reference as part of the City of Gardner 2014 Comprehensive Plan by the Governing Body on June 20, 2016 (Ordinance No. 2517) to set specific goals and policies relating to development in portions of the City of Gardner, and areas within Gardner Township considered for future annexation.

The purpose of a subarea plan and the *I-35* & Gardner Road Interchange Subarea Plan is to outline specific land development goals, policies and recommendations for the planning area, while being consistent with the overall adopted comprehensive plan for the community. The plan is meant to facilitate logical future development while maintaining preferred community character. The following information merges technical analysis with public input and anticipation of market factors to guide future growth.

The subarea plan includes this property in the "Low-Density" Land Use area. The uses recommended within this district are primarily single-dwelling, duplex, and attached dwellings and

compatible non-residential uses, but an emphasis is placed on residential type uses and appropriate accessory uses.

STAFF ANALYSIS - ZONING MAP AMENDMENT

17.03.030 (B) Review Criteria:

 The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; and the operation and uses of land and buildings;

Staff Comment: The Aspen Creek neighborhood is currently a mix of single-family and duplex uses in a traditional suburban pattern. This development follows the typical traditional suburban pattern with a street network connects existing residential areas to the east and north.

2. The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts;

Staff Comment: The development proposes to utilize a compatible zoning district to that of the property directly adjacent and west of this site and the buildings are of similar size and scale as the single-family to the west.

3. The suitability of the subject property for the uses to which it has been restricted;

Staff Comment: The property is suited for the uses to which it has been restricted.

4. The extent to which removal of the restrictions will detrimentally affect nearby property;

Staff Comment: The removal of the restrictions will not detrimentally affect nearby properties as the request is to a lesser intensity zoning district. The change in zoning will make the property more consistent with the developed and potential uses of the undeveloped property.

5. The length of time the subject property has remained vacant as zoned;

Staff Comment: This property has been vacant even though it was rezoned for a duplex development 19 years ago (2001).

6. The relative gain to economic development, public health, safety and welfare by the current restrictions on the applicant's property as compared to the hardship imposed by such restrictions upon the property;

Staff Comment: This property has long remained undeveloped, and the developer is attempting to bring a mix of housing to the area, while also infilling under-utilized land within our community.

7. The recommendations of professional staff;

Staff Comment: Staff recommends approval of the rezoning from R-2 District to R-1 District based on the findings in the staff report.

8. The conformance of the requested change to the Comprehensive Plan, and in particular the relationship of the intent statement for the proposed district and how the specific application furthers that intent statement in relation to the Comprehensive Plan;

Staff Comment: The proposed change is consistent with the I-35 & Gardner Road Interchange Subarea Plan which is incorporated by reference into the Comprehensive Plan and the intent statement of the Low-Density Residential land use category.

9. The extent to which the proposed use would adversely affect the capacity or safety of any utilities, infrastructure or public services serving the vicinity; and

Staff Comment: The proposed use would not affect the utilities, infrastructure or public services.

10. Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City.

Staff Comment: No other policies or factors apply to this case.

STAFF ANALYSIS - INFRASTRUCTURE / OTHER

Infrastructure for water, sewer, and electric are currently available to this site.

ATTACHMENTS

- I. Public notice
- II. Application

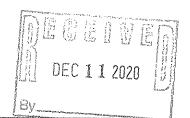
RECOMMENDATION

Staff recommends approval of the proposed rezoning a portion of land located approximately 450' from the terminus of 185th Street (a portion of Tax ID CF221436-1005) from R-2 District to R-1 District.

Recommended Motion:

After review of application Z-20-09, a rezoning for .12 acres located approximately 450' from the terminus of 185th Street (a portion of Tax ID CF221436-1005) from R-2 District to R-1 District, and staff report dated March 22, 2021, the Planning Commission recommends the Governing Body approve the application.





ZONING MAP AMENDMENT (REZONING APPLICATION

Pre-App Date
Fee 375
File No. 2-20-09

OWNER INFORMATION	<u> </u>	
Name(s) Aspen Creek, LLC		
Contact Gregory D. Prieb II		
Address PO Box 4557		
CityOlathe	State KS	Zip_66063
Phone 913.780.3399		
APPLICANT/AGENT INFORMATION		
Name(s) Phelps Engineering, Inc.		
Contact Judd D. Claussen, P.E.		
Address 1270 N Winchester		
CityOlathe	State KS	Zip 66061
Phone 913-393-1155		
Property Address/Location: 185th & Canton Stre Legal Description (Attach If Necessary) Lengthy, se		
Total Site Area 0.12 acres m/l		
Present Zoning R2 Pro		
Present Land Useagricultural Present Land UsePresent Land Use		e family residential
Proposed Building Type(s) Detached	d House, Suburban	
Please indicate a reason for the request: Rezoning needed to adjust for final layout of the split zoning on it. SIGNATURE We, the undersigned am/are the (owner(s)), (duly authoroperty. By execution of my/our signature, I/we do hereb Signature(s): When the undersigned am/are the (owner(s)), (duly authoroperty. By execution of my/our signature, I/we do hereb	norized agent), (Circle O y officially apply for rezoni	ne) of the aforementioned
	Da	ate



ZONING MAP AMENDMENT (REZONING) APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

Yes ✓ ✓	No	1. 2. 3. 4. 5.	Complete application packet Application fee Digital copies (PDF) of the completed application and legal description (Word) Sign posting affidavit This is provided at a later date, prior to the PC hearing. Preliminary Development Plan application and plans (if rezoning to a planned development) Not applicable	
Anticipa Rez	ited re zoning	latic	to the following statements: Inship of proposed zoning to economic development or public health, safety and welfare: Ithis parcel allows for the development of the subdivision such that one of the lots	
does not have a split zoning on it. The lot development and zoning is consistent with the surrounding development zoning and layouts. There is no harm to the public health, safety, or welfare and by approving allows the development to proceed and is good for the City's economic development, providing housing to residents of the City.				
<u>No</u>			t of proposed zoning/use on existing public infrastructure: development will be constructing internal public infrastructure to serve the proposed	
hereby required submitte	inforned.	natio	information required for rezoning application review. I understand that failure to provide the on may result in a postponement of my request for review until all information has been when the second	

Description (Rezoning from R-2 to R-1)

All that part of the Northwest Quarter of Section 36, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of said Section 36; thence N 0°36′10″ W, along the East line of the Northwest Quarter of said Section 36, a distance of 1061.92 feet to the point of beginning; thence S 89°23′50″ W, a distance of 165.00 feet; thence N 0°36′10″ W, a distance of 31.00 feet; thence N 89°23′50″ E, a distance of 165.00 feet to a point on the East line of the Northwest Quarter of said Section 36; thence S 0°36′10″ E, along the East line of the Northwest Quarter of said Section 36, a distance of 31.00 feet to the point of beginning, containing 0.1174 acres, more or less, of unplatted land.



COMMITMENT FOR TITLE INSURANCE

Issued by: Alliant National Title Insurance Company



NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice, Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Alliant National Title Insurance Company, a Colorado company (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within 120 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment, "Proposed Policy Amount": Each dollar amount specified in Schedule A as the
- Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- "Public Records": Records established under state statutes at the Commitment (g) Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- "Title": The estate or interest described in Schedule A.
- 2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
- 3. The Company's liability and obligation is limited by and this Commitment is not valid without:
 - (a) the Notice:
 - (b) the Commitment to Issue Policy;
 - the Commitment Conditions;
 - Schedule A;
 - Schedule B, Part I-Requirements; and
 - Schedule B, Part II-Exceptions; and
 - a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

The Company's liability under Commitment Condition 4 is limited to the (a) Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the

- delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
- (i) comply with the Schedule B, Part I-Requirements;
- (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
- (iii) acquire the Title or create the Mortgage covered by this Commitment.
- The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- The Company's liability shall not exceed the lesser of the Proposed insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(ii) or the Proposed Policy Amount. The Company shall not be liable for the content of the Transaction
- Identification Data, if any.
- In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- In any event, the Company's liability is limited by the terms and provisions of the Policy
- 6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT
 - (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
 - (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
 - (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
 - (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
 - (e) Any amendment or endorsement to this Commitment must be in writing [and authenticated by a person authorized by the Company].
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

 IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT
 The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

ALTA Commitment for Title Insurance with Kansas modification ST VARIATORIAS VARIANTA (Adopted 06-17-06, Revised 08-01-2016) **ANTIC #1420**

neither reflects the status of Title at the time that t >-forma policy is delivered

to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the

option of either the C ny or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at http://www.alta.org/arbitration. This paragraph does not apply in the State of Kansas.

Countersigned: Alpha Title Guaranty, Inc. 531 N. Mur-Lenpartner Olathe, KS 66062

ALLIANT NATIONAL TITLE INSURANCE COMPANY

President

Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in





Transaction Identification Data for Reference Only:

Issuing Agent: Alpha Title Guaranty, Inc.

Issuing Office: 04 - Olathe, KS Commitment No.: 0420126943

Property Address: 33.58 acres located at 185th and Canton, Gardner, Johnson County, Kansas, 00000 185th and Canton Street, Gardner, KS

66030

SCHEDULE A

- Commitment Date: 14th day of October, 2020 at 8:00 A.M.
- Policy to be issued:
 - (a) ☑ 2006 ALTA® Owner's Policy

Proposed Insured: Riverstone Realty, Inc.

Proposed Policy Amount: \$780,000.00

(b) Ø 2006 ALTA® Loan Policy

Proposed Insured: TBD

Proposed Policy Amount: TBD

The estate or interest in the Land described or referred to in this Commitment is:

FEE SIMPLE

Title to the estate or interest in the Land is at the Commitment Date vested in:

Aspen Creek Development, LLC

The Land is described as follows:

SEE ATTACHED EXHIBIT A

Alpha Title Guaranty, Inc. 531 N. Mur-Len Olathe, KS 66062

Authorized Signatory



SCHEDULE B. PART I Requirements

All of the following Requirements must be met:

- The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
- 2. Pay the agreed amount for the estate or interest to be insured.
- Pay the premiums, fees, and charges for the Policy to the Company.
- Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
- 5. In regards to Aspen Creek Development, LLC, a limited liability company, we require (i) evidence of good standing in the state of said limited liability company's formation, (ii) a copy of its Articles of Organization, (iii) a copy of its Operating Agreement, any amendments thereto and any assignments of membership interest, (iv) written consents signed by the necessary number of members and/or manager necessary under the Operating Agreement to authorize the proposed transaction (v) recording of the proposed Warranty Deed executed by the manager(s) of managing member(s) authorized to sign legal documents under the Operating Agreement.
- 6. Require Certificate of Good Standing for Riverstone Realty, Inc., evidenced by the Secretary of State.
- 7. Properly executed Warranty Deed from Aspen Creek Development, LLC vesting title to the proposed insured.
- 8. Properly executed Mortgage securing the proposed loan.
- 9. No open mortgages/deeds of trust are found filed of record up to our effective date. If a mortgage is to be paid through closing please provide us with all of the information that is currently available as soon as possible. It is the responsibility of all parties to this title commitment who have knowledge of anything omitted from this commitment to provide any available information to The Company immediately upon receipt of this commitment.
- 10. Furnish Lien Affidavit and Statement executed by owners and/or contractors, if any, stating that all bills are paid for labor and/or material which might form the basis for all materialman's lien or mechanic's lien.
- 11. Furnish survey affidavit and hold harmless affidavit, executed and notarized, dated subsequent to the recording of required mortgage and the title policy issued will include survey coverage.

FOR INFORMATIONAL PURPOSES ONLY:

Tax Year: 2019

Total Tax Amount: \$111.45

(General: \$111.45; Specials: \$0.00)

Status: PAID IN FULL Parcel ID: CF221436-1005 Mill Levy: .135590



SCHEDULE B, PART II **Exceptions**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

- 1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B. Part I-Requirements are met.
- 2. Rights or claims of parties in possession not shown by the public records.
- 3. Easements, or claims of easements, not shown by the public records.
- Any encroachment, encumbrance, violation, or adverse circumstance that would be disclosed by an accurate and complete land survey of the Land.
- Any lien, or right to a line, for services, labor or material heretofore or hereafter furnished, imposed by law and not 5 shown by the public records.
- 6. Taxes or special assessments which are not shown as existing liens by the public records.
- Building setback lines and easements as shown on recorded in public records.
- 8. Terms and provisions of the Oil and Gas Lease contained in the instrument recorded as Book 6 O&G. Page 93, between Fred Northrup and Alta Northrup, his wife, lessor, and Adolph Thurow, lessee, as described therein.
- 9. Terms and provisions of the Oil and Gas Lease contained in the instrument recorded as Book 114 Misc., Page 383, between Fred W. Northrup and Alta Northrup, husband and wife, lessor, and Gas and Oil Operations, lessee, as described therein.
- 10. Terms and provisions of the Certificate of Appropriation for Beneficial Use of Water, as recorded in Book 6462, Page 791.
- 11. Terms and provisions of the Highway right of way and abutters right of access condemned by the State of Kansas in Johnson County District Court Case No. 23802, as described therein.

CHAIN OF TITLE:

Deed Type: Corporate Warranty Deed Grantors: Miller Enterprises, Inc.

Grantees: Aspen Creek Development, LLC

Dated: November 30, 2000

Recorded Date: December 4, 2000

Book 6784, Page 49 Document No. 3185537



EXHIBIT A

The Northwest Quarter of Section 36, Township 14, South, Range 22 East of the 6th P.M., now in the City of Gardner, Johnson County, Kansas.

EXCEPT all of the East 800.00 feet of the West 1922.00 feet of the North 544.5 feet of the Northwest Quarter of Section 36, Township 14, South, Range 22 East of the 6th P.M., Johnson County, Kansas, except that part in roads; and

EXCEPT that part platted as EVERGREEN PARK and EVERGREEN PARK II;

EXCEPT all that part of the Northwest Quarter of Section 36, Township 14, Range 22, now in the City of Gardner, Johnson County, Kansas, described as follows: Beginning at the Northwest corner of the Northwest Quarter of said Section 36; thence South 89 degrees 54 minutes 40 seconds East, along the North line of the Northwest Quarter of said Section 36, a distance of 672.01 feet; thence South 0 degrees 42 minutes 41 seconds East, a distance of 378.91 feet; thence South 88 degrees 53 minutes 01 seconds West, a distance of 127.60 feet; thence South 35 degrees 49 minutes 50 seconds West, a distance of 287.53 feet; thence North 54 degrees 10 minutes 10 seconds West, a distance of 265.31 feet; thence North 54 degrees 10 minutes 10 seconds West, a distance of 265.31 feet; thence North 88 degrees 54 minutes 40 seconds West, a distance of 60.01 feet to a point on the West line of the Northwest Quarter of said Section 36; thence North 0 degrees 42 minutes 41 seconds West along the West line of the Northwest Quarter of said Section 36, a distance of 460.00 feet to the point of beginning; and EXCEPT those parts platted as MEADOWS OF ASPEN CREEK, ASPEN CREEK II, ASPEN CREEK III and ASPEN CREEK IV.





Alliant National Title Insurance Company

PRIVACY POLICY NOTICE

Purpose of Notice:

Alpha Title Guaranty, Inc, respects the privacy of our customers' personal information, so we want you to know the ways in which we may collect and use non-public personal information ("personal information"). Our practices and policies are set out in this notice.

Types of Information We May Collect:

In the course of our business, the types of personal information that we may collect about you include:

- Information we receive from you or your authorized representative on applications and forms, and in other communications to us;
- Information about your transactions with us, our affiliated companies, or others;
- Information from consumer or other reporting agencies.

Use and Disclosure of Information:

We use your information to provide the product or service you or your authorized agent have requested of us.

We may disclose information to our affiliated companies and unrelated companies as necessary to service your transaction, to protect against fraudulent or criminal activities, when required to do so by law, and as otherwise permitted by law.

We do not share any personal information we collect from you with unrelated companies for their own use.

Protection of Your Personal Information:

We restrict access to personal information about you to those employees who need to know that information in order to provide products and services to you or for other legitimate business purposes. We maintain physical, electronic and procedural safeguards to protect your personal information from unauthorized access or intrusion.

Changes:

This notice may be revised in accordance with applicable privacy laws.

CITY OF GARDNER, KANSAS *** / GTOMER RECEIPT ***

Batch ID: GAKSCOM

12/14/20 01 Receipt no: 90446

Type SvcCd Description

ZS

FEES-ZONING & SUBDIVISION

Qty

1.00

\$375.00

Z-20-09 ASPEN CRK

Trans number:

1710549

Tender detail

CK Ref#: Total tendered: 2466

\$375.00

Total payment:

\$375.00 \$375.00

Trans date: 12/14/20

Time: 14:44:21

*** THANK YOU FOR YOUR PAYMENT ***

REGULAR ITEM NO. 1E

PLANNING COMMISSION STAFF REPORT MEETING DATE: AUGUST 25, 2020 PREPARED BY: ROBERT CASE, PLANNER

PROJECT NUMBER / TITLE: PP-20-12 for Aspen Creek V

PROCESS INFORMATION

Type of Request: Preliminary Plat Date Received: December 4, 2020

APPLICATION INFORMATION

Applicant: Phelps Engineering Inc. (Judd Claussen, P.E.)

Owner: Aspen Creek, LLC (Gregory D. Prieb II)

Parcel ID: CF221436-1005

Location: At the terminus of Canton Street approximately 525' south of 183rd Street.

REQUESTED ACTION

The applicant has requested approval of a preliminary plat for the Aspen Creek V, a 56 lot single family subdivision.

EXISTING ZONING AND LAND USE

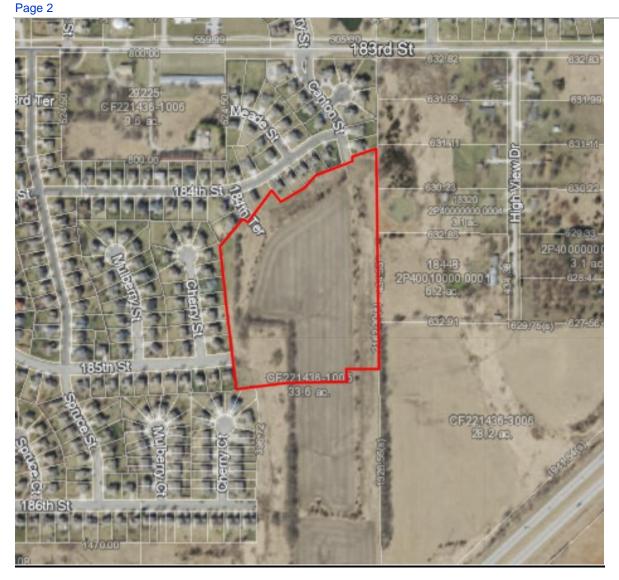
Currently the property is zoned R-1 (Single-Family Residential) and current land use is vacant parcels.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)							
North of subject property								
R-1 (Single-Family Residential) District	Single-family homes in Aspen Creek subdivision							
East of subject property								
C-3 (Commercial) District, RN1 (Residential Neighborhood 1) Johnson County	Vacant land and large lot Single-family homes located in the County							
South of subject property								
R-2 (Two-Family) District	Vacant land							
West of subject property								
R-1 (Single-Family Residential) District	Single-family residential in Aspen Creek subdivision							

EXISTING CONDITIONS

Currently the subject property is not platted and undeveloped. The property is bound on the north by Canton Street and 184th Terrace and on the east by 185th Street. It will be accessed through the extension of these roadways. All utilities are available to this site.



BACKGROUND / HISTORY

The property was part of a 158 acre annexation presented to the Council on April 1, 1996 per Ordinance 1834 and rezoned to R-1 (Single-family) District (Z-96-02l) on June 17, 1996. The property was then rezoned (Z-01-08) (Ord. 1993) from R-1 (Single-family) District to R-2 (Planned Urban Development) District on June 18, 2001. There were no associated plans submitted with these rezoning petitions.

CONSISTENCY WITH COMPREHENSIVE PLAN

This site is included in the *I-35* & Gardner Road Interchange Subarea Plan ("Subarea Plan"), which was adopted by reference as part of the City of Gardner 2014 Comprehensive Plan by the Governing Body on June 20, 2016 (Ordinance No. 2517) to set specific goals and policies relating to development in portions of the City of Gardner, and areas within Gardner Township considered for future annexation.

The City of Gardner 2014 Comprehensive Plan identifies this parcel for low-density residential future land use, described as "areas primarily consist of detached single family and duplex

housing. These "New Residential Growth Areas" include undeveloped land that provides a "clean slate" for future residential development. The Comprehensive Plan addresses these growth areas as having three major components that help to ensure the community's goals of providing high quality neighborhoods that satisfy demand for a broad type of housing. These goals are; neighborhood character, connectivity, and open space preservation & conservation design. The design and layout the applicant is proposing is consistent with the goals of the Comprehensive Plan.

STAFF ANALYSIS - PRELIMINARY PLAT

17.03.020 (D1) Review Criteria:

- 1. The application is in accordance with the Comprehensive Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.
 - **Staff Comment**: The application is in accordance with the Comprehensive Plan with regard to the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles of the plan. The applicant is proposing a preliminary plat for 56 lots and right-of-way dedication on approximately 16 acres. Properties directly adjacent to the development are primarily single-family and duplex residential. This subdivisions will be providing cross connectivity with the existing Aspen Creek and the new proposed Meadows of Aspen Creek II neighborhoods to the south and west.
- 2. Compliance with the requirements of this Land Development Code, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the existing or proposed zoning.
 - **Staff Comment**. The plat meets the site design standards regarding lot size minimum, block length, cul-de-sac length and easements. The plan complies with the requirements of the Gardner Land Development Code in that the blocks and lots proposed can meet all development and site design standards. The development is proposed to be a Detached House Suburban building type for single-family residential, with a Suburban Yard frontage design type.
- 3. Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.
 - **Staff Comment**: There is no phasing proposed at this time.
- 4. Any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
 - **Staff Comment**: The Stormwater Plans and Transportation Impact study have not yet been approved. This will be a condition of approval.
- 5. The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan.
 - **Staff Comment**: This plat application will not deter any existing or future development on adjacent property. The adjacent property is mainly developed with single-family and two-family residential which is compatible with this proposed plan and is consistent with the comprehensive plan.
- 6. The design does not impede the construction of anticipated or planned future public infrastructure within the area.

Staff Comment: This application does not impede the construction of planned or future public infrastructure. This project and the Meadows of Aspen Creek II are the last section of vacant property within the Aspen Creek neighborhood, it will connect incomplete streets in the area and provide more options for people access 186th and 183rd Streets.

7. The recommendations of professional staff, or any other public entity asked to officially review the plat.

Staff Comment: Staff recommends approval of the preliminary plat of Aspen Creek V with conditions outlined below.

STAFF ANALYSIS - INFRASTRUCTURE / OTHER

UTILITIES – All utilities are available to this site.

STORM WATER

Stormwater detention will be integrated into the project. The Stormwater Management Plan has not yet been approved by the Public Works Department. This will be a condition of approval.

ROADWAY NETWORK; VEHICULAR ACCESS; SIDEWALKS

Internal road networks within the subject property will connect to Canton Street, 184th Terrace, and 185th Street.

ACTIONS

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

- 1. Approve the application.
- 2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
- 3. Deny the application.
- 4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

EFFECT OF DECISION

Preliminary Plat – The approval of the preliminary plat does not constitute an acceptance of the subdivision, but authorizes preparation of the final plat. If the Planning Commission tables a plat, the applicant shall have 60 days to submit information sufficient for approval or the application shall be deemed denied. The applicant may request that a denied preliminary plat be submitted to the Governing Body and the Planning Commission shall submit all information to the Governing Body, which can make a determination consistent with these regulations. The approval of the preliminary plat shall be effective for 18 months, except that any approval of a final plat for any phase specifically indicated on a preliminary plat shall renew the 18-month period. The Planning Commission may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.

ATTACHMENTS

- I. Preliminary Plat
- II. Application

GARDNER PLANNING COMMISSION PP-20-12 Aspen Creek V Subdivision March 22, 2021 Page 5

RECOMMENDATION

Staff recommends approval of the preliminary plat for Aspen Creek V with the condition outlined below in the recommended motion section.

Recommended Motion:

After review of case PP-20-12, a preliminary plat for Aspen Creek V, Tax Id CF221436-1005, located at the terminus of Canton Street approximately 525' south of 183rd Street and preliminary plat dated December 4th, and staff report dated March 22nd, 2021, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. Approval of a Stormwater Management Plan and Traffic Impact Study by the Public Works Department.



Business & Economic Development Planning Division 120 E. Main St. Gardner, KS 66030 P: 913.856.0913 | F: 913.856.4562 www.gardnerkansas.gov

PRELIMINARY PLAT APPLICATION	Pre-App Date Fee File No
OWNER INFORMATION	
Name(s) Aspen Creek, LLC	
Contact Gregory D. Prieb II	
AddressPO Box 4557	
City State KS	Zip66063
Phone 913.780.3399 Email greg@priebh	nomes.com
APPLICANT/AGENT INFORMATION	
Name(s) Phelps Engineering, Inc.	
Contact Judd D. Claussen, P.E.	
Address1270 N Winchester	
City State KS	Zip_ <u>66061</u>
Phone913-393-1155 Email _jclaussen@pl	helpsengineering.com
SITE INFORMATION Property Address/Location185th & Canton Street (East of Gardner F	Rd)
Legal Description (Attach If Necessary) Lengthy, see attached.	
Number of Existing Lots Number of Proposed Lots	
Total Site Area16.0 acres m/lPresent ZoningR1 and	d R2
Number of Existing Structures none Present Land Use agric	ultural
Proposed Street Design Type(s) & Classlocal standard	
Proposed Type(s) Open & Civic Space Park within 1/2 mile of site	
Proposed Frontage Type(s)Suburban Yard	
Proposed Building Types(s) Detached House, Suburban	
SIGNATURE I/We, the undersigned am/are the (owner(s)), (duly authorized agent), (Circle property. By execution of my/our signature, I/we do hereby officially apply for prelim Signature(s):	ninary plat as indicated above.
Signature(s):	Date _2/1/2021

LEGAL DESCRIPTION: All that part of the Northwest Quarter of Section 36, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, being more particularly described

Commencing at the Southeast corner of the Northwest Quarter of said Section 36; thence N 0°36'10" W, along the East line of the Northwest Quarter of said Section 36, a distance of 1061.92 feet to the point of beginning; thence S 89°23'50" W, a distance of 165.00 feet; thence S 0°36'10" E, a distance of 24.00 feet; thence S 89°23'50" W, a distance of 295.50 feet; thence S 81°21'52" W, a distance of 140.52 feet to the Northeast plat corner of MEADOWS OF ASPEN CREEK, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence S 83°18'57" W, along the North plat line of said MEADOWS OF ASPEN CREEK, a distance of 93.44 feet to the Southeast plat corner of ASPEN CREEK III, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence along the Easterly plat line of said ASPEN CREEK III, for the following five (5) courses; thence N 6°57'41" W, a distance of 184.08 feet; thence S 83°02'19" W, a distance of 0.37 feet; thence N 6°57'41" W, a distance of 297.12 feet; thence N 4°24'57" W, a distance of 213.65 feet; thence N 29°26'18" W, a distance of 15.08 feet to an angle point on the Southerly plat line of ASPEN CREEK IV, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence along the Southerly plat line of said ASPEN CREEK IV, for the following eleven (11) courses; thence N 44°21'27" E, a distance of 166.42 feet; thence Southeasterly on a curve to the left, said curve having an initial tangent bearing of S 45°38'37" E and a radius of 225.00 feet, an arc distance of 14.57 feet; thence N 40°38'49" E, a distance of 197.13 feet; thence S 30°51'09" E, a distance of 57.00 feet; thence N 63°04'37" E, a distance of 142.45 feet; thence N 42°10'17" E, a distance of 78.29 feet;

thence N 66°56'28" E, a distance of 141.48 feet; thence N 79°23'50" E, a distance of 50.00 feet; thence Northerly on a curve to the left, said curve having an initial tangent bearing of N 10°36'13" W and a radius of 325.00 feet, an arc distance of 16.24 feet; thence N 13°28'00" W, a distance of 18.74 feet; thence N 76°32'00" E, a distance of 130.61 feet to the Southeast plat corner of said ASPEN CREEK IV, said point also being on the West plat line of HIGH VIEW FARMS, a platted subdivision of land in Johnson County, Kansas, said point also being on the East line of the Northwest Quarter of said Section 36; thence S 0°36'10" E, along the West plat line of said HIGH VIEW FARMS and the East line of the Northwest Quarter of said Section 36, a distance of 1104.44 feet to the point of beginning, containing 15.9981 acres, more or less, of

PROJECT NOTE:

1. THE TOPOGRAPHY WAS SUPPLIED BY A.I.M.S. (AUTOMATED INFORMATION MAPPING SYSTEM) BASED ON NAVD88 DATUM. 2. ALL TRACTS AS SHOWN HÉREON SHALL BE DEDICATED AS PRIVATE OPEN SPACE, COMMON AREAS AND MAY INCLUDE BUT NOT LIMITED TO LANDSCAPING, FENCING, SUBDIVISION MONUMENTS, STORM WATER DETENTION AND AMENITIES AND WILL BE OWNED AND MAINTAINED BY THE HOMES ASSOCIATION.

FLOOD NOTE:

THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF GARDNER, COMMUNITY NO. 200164, JOHNSON COUNTY, KANSAS, MAP NO. 20091C0120G, AND DATED AUGUST 3, 2009.

SITE DATA TABLE:

BUILDING TYPE

OPEN SPACE

FRONTAGE TYPE

GROSS AREA EXISTING/PROPOSED ZONING PROPOSED NUMBER OF LOTS PROPOSED LAND USE

16.00 ACRES R-1, R-2

SINGLE FAMILY RESIDENTIAL LOCAL STANDARD & COLLECTOR DETACHED HOUSE SUBURBAN SUBURBAN YARD

SEE OPEN SPACE NOTE

OPEN SPACE FOR THIS PRELIMINARY PLAT IS PROVIDED IN TRACT A OF MEADOWS OF ASPEN CREEK II. LOTS IN BOTH PRELIMINARY PLATS

WILL BE THE SAME HOMES ASSOCIATION AND SHARE COMMON OPEN

AREAS PARCEL | AREA (S.F.) AREA (AC.) BNDY 696878.16 15.9981 203 9297.56 0.2134 204 8388.88 0.1926 205 0.1848 8050.19 8050.19 0.1848 207 8050.19 0.1848 208 0.1848 8050.19 0.1848 209 8050.19 210 8050.19 0.1848 8050.19 0.1848 212 8050.19 0.1848 213 0.1848 8050.19 214 8050.19 0.1848 215 10925.26 0.2508 0.2534 216 11040.27 217 9832.18 0.2257 218 8839.61 0.2029 219 8510.00 0.1954 0.1957 220 8525.59 221 9351.71 0.2147 222 9170.96 0.2105 223 9195.17 0.2111 0.1880 224 8190.70 225 8541.73 0.1961 226 9142.87 0.2099 227 9338.00 0.2144 228 0.2097 9136.52 229 9460.60 0.2172 230 11199.42 0.2571 231 11199.42 0.2571 232 11199.42 0.2571 10134.97 233 0.2327 10123.43 0.2324 234 235 10954.40 0.2515 236 0.2185 9517.62 238 0.2711 11810.17 19005.51 0.4363 239 12791.91 0.2937 9064.70 0.2081 243 9027.46 0.2072 244 9493.31 0.2179 245 11049.64 0.2537 246 11050.28 0.2537 0.2291 247 9979.15 248 0.2195 9562.51 249 9062.77 0.2081 250 8819.57 0.2025 251 0.2193 9554.01 252 0.2906 12660.15 253 0.2205 9605.81 254 10374.74 0.2382 255 0.2225 9691.26 0.2521 256 10979.94 257 11699.06 0.2686

12974.41 0.2979

NE COR. NW 1/4,-183RD STREET SEC. 36-14-22 FND. 3" ALUM. CAP WITH PUNCH MARK IN MONUMENT NE1/4 NW1/4 1"=2000' SW1/4 SE1/4 VICINITY MAP SEC. 36-14-22 191ST STREET rN13°28'00"W...18.74' ANTON Δ=2°51'47" ~N76°32'00"E...130.61 R=325.00°...16.24° N79 23'50"E...50.00 N66'56'28"E...141.48'7 203 N4210'17"E...78.29'7 187 N63'04'37"E...142.45 S30'51'09"E...57.00'7190 205 193 N4038'49"E...197.13' 206 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° - 90° -R=225.00\(\text{..14.57}\) ୵**207**ଧ 208 ဥ 252 246 247 135 N29°26′18″W...15.08′5 248 251 250 209 , , , 242 241\ ∑ ∑ S89°23′50″W...199.7 184TH COURT R=200° 24.43° 238 232 234 <u>≅</u> 229, ≋ 228 FUTURE LOTS 230 S83'02'19"W...0.3 185TH ST. N89°23'50"E...349.78' FUTURE STREET 165.49 STAREA OF REZONING FROM R-2 TO R-1 217 150 \$89°23'50"W...295.50 **\-**S89**°**23'50"W...165.00' 50'36'10"E...24.00'



200' BEARING BASIS: RECORDED PLAT OF "MEADOWS OF ASPEN CREEK"

LEGEND ■ FOUND CURB CUT

- FOUND MONUMENT AS DESCRIBED ● = FOUND 1/2" REBAR W/CLS 93 PLASTIC CAP
- (ORIGIN UNKNOWN UNLESS DESCRIBED) = SET 1/2"x24" REBAR WITH "PHELPS CLS-82" PLASTIC CAP
- = PROPOSED STORM SEWER
- = PROPOSED WATER LINE
- = EXISTING GAS LINE
- = EXISTING SANITARY SEWER LINE = OVERHEAD POWER LINE
- = FENCE LINE
- = TREE LINE = PROPOSED 4' SIDEWALK
- = PROPOSED STREETLIGHT

SEC. 36-14-22 FND. 2" ALUM. CAP IN MONUMENT BOX

OWNER: (CONTRACT OWNER:)

ASPEN CREEK L.L.C. ATTN: GREG PRIEB II P.O. BOX 4557 OLATHE, KS 66063

ENGINEER/APPLICANT:

PHELPS ENGINEERING, INC. 1270 N. WINCHESTER OLATHE, KS. 66061 (913) 393-1155 (913) 393–1166 FAX

0F	HS.	PROJECT NO.	200914	No.	Date	Revisions:	Ву	App.
		DATE:	12/11/20	1.	2-1-21	REVISED PER CITY COMMENTS	ЈМО	DEU
		DRAWN:	JMO	2.	3-9-21	REVISED PER CITY COMMENTS	JMO	DEU
		CERTIFICATE OF AUTHORIZATION KANSAS						
	أبا	LAND SURVEYING ENGINEERING - E-	- LS-82 - 301					
_	\dashv							
		CERTIFICATE OF AUTHORIZATION MISSOURI LAND SURVEYING-2007001128					·	
		ENGINEERING—200	7005058					

PRELIMINARY PLAT

186TH ST.

MEADOWS OF ASPEN CREEK

~¢160' KCP&L ESMT.

S. LINE NW 1/4, SEC. 36-14-22

UNPLATTED

ASPEN CREEK EAST

PART OF NW 1/4, SEC. 36, TWP. 14 S., RNG. 22 E. CITY OF GARDNER, JOHNSON COUNTY, KANSAS



- £15' SANITARY SEWER ESMT. TO CITY OF GARDNER

UNPLATTED

€10' SANITARY SEWER ESM

TO CITY OF GARDNER

BK. 7184, PG. 593

R-2 ZONING

BK. 6864, PG. 374

- ${\mathbb Q}$ 10 $^{\prime}$ Sanitary Sewèr ESMT. TO CITY OF GARDNER

BK. 7871, PG. 950

UTILITY ESMT. TO CITY OF GARDNER

POINT OF BEGINNING

SE COR. NW 1/4, SEC. 36-14-22

FND. 1/2" REBAR

PHELPS ENGINEERING, INC 1270 N. Winchester Olathe, Kansas 66061 (913) 393-1155 Fax (913) 393-1166



The Legal Record

1701 E. Cedar St., Ste. 111 Olathe, KS 66062-1775 (913) 780-5790

CITY OF GARDNER 120 E MAIN ST GARDNER KS 66030-1310

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS; Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or vearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

HEARING - PLANNING COMMISSION, MARCH 22, 2021 3/2/21

Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

March 2, 2021

Notary Public

PENNY KNIGHT Notary Public-State of Kansas My Appt. Expires Dec. 31, 2021

First published in The Legal Record, Tuesday, March 2, 2021.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of Gardner, Kansas will hold a Public Hearing on Monday, March 22, 2021 at 7:00 pm in the Council Chambers of City Hall, 120 E. Main Street in consideration of the following item to-wit:

CASE NO. Z-21-01(PDP-21-01)

A proposed rezoning of approximately 17.59 acres from R-2 (Two-Family) District to RP-4 (Mixed Density Neighborhood) District and associated preliminary development plan for Meadows of Aspen Creek II, a 33 lot/66 unit duplex community, located east of Gardner Road at the terminus of 186th Street. (a portion of Tax ID CF221436-1005)

CASE NO. Z-20-09

A proposed rezoning of approximately 0.12 acres from R-2 (Two-Family) District to R-1 (Single Family Residential) District for Aspen Creek V, a single family residential development, located west of Gardner Road approximately at the terminus of 185th Street. (a portion of Tax ID CF221436-1005)

All persons interested in said matter shall be heard at this time for the public record. For additional information regarding these applications and detailed descriptions, contact the Business & Economic Development Department, 913-856-0974, 120 E Main Street, Gardner, Kansas 3/2

L89766 Publication Fees: \$13.44